

MARILYN D. GARNER, ESQ.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE	}	
	}	
RONALD W. IVES	}	CASE NO. 10-46484-DML-
	}	
	}	HEARING DATE: June 10, 2011
Debtor	}	HEARING TIME: 8:30 p.m.

DEBTOR'S OBJECTIONS TO CLAIM
FILED BY SANTANDER CONSUMER USA

TO THE HONORABLE DENNIS MICHAEL LYNN, U. S. BANKRUPTCY JUDGE:

Ronald W. Ives, Debtor herein, files this Objections to Claim Filed by Santander Consumer USA and in support thereof would respectfully show the Court as follows:

1. Santander Consumer USA filed Claim No.3 as a secured claim on October 15, 2010 in the amount of \$7,631.38. Claim No. 3 also included arrears in the amount of \$1280.76. Debtor objects to Claim No. 3 for the reason that the vehicle that served as collateral for the debt represented by Claim No. 3 was surrendered to Claimant immediately upon the filing of this case. No amount portion of said claim should be treated as a secured claim. Debtor further objects to Claim 3 for the reason that no credits or offsets have been made respecting the amount realized upon the sale of the vehicle. Debtor requests the Court to disallow Claim No. 3 as a secured claim and to allow only a general unsecured claim for any remaining deficiency.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully prays that the Court enter an order disallowing the claim as objected to herein and grant such other relief as is necessary and proper under the circumstances of the case.

Dated: May 3, 2011

Respectfully submitted,

/s/Marilyn D. Garner
Marilyn D. Garner, Trustee
SBOT No. 0767550
Attorney at Law
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NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 WEST TENTH STREET, FORT WORTH, TEXAS 76102 BEFORE 4:00 P.M. ON THE DAY WHICH IS TWENTY ONE DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED HEREIN SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing pleading was sent, via first class mail, postage prepaid to the parties listed below on the 3rd day of May 2011:

Office of United States Trustee
1100 Commerce Street, Room 976
Dallas, TX 75242

Tim Truman
Standing Chapter 13 Trustee
6851 N.E. Loop 820, Suite 300
N. Richland Hills, TX 76180

Santander Consumer USA Inc.
P.O. Box 560284
Dallas, TX 75356-0284

/s/Marilyn D. Garner
Marilyn D. Garner